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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,783	09/01/2000	Hideki Fukuda	2000 1206A	6948
7590	04/19/2004			
Wenderoth Lind & Ponack LLP 2033 K Street N W Suite 800 Washington, DC 20006			EXAMINER	CHEVALIER, ROBERT
			ART UNIT	PAPER NUMBER
			2615	
			DATE MAILED: 04/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/654,783	FUKUDA ET AL.
	Examiner	Art Unit
	Bob Chevalier	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 September 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,10-12 and 15-18 is/are rejected.
- 7) Claim(s) 8,9,13,14 and 19-22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 September 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-6</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-6, 10-12, and 15-18, are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasawa.

Nagasawa discloses a video/audio recording/reproducing apparatus that shows all the limitations recited in claim 1, including the feature of recording on a recording medium encoded video signals (See Nagasawa's Figure 1, component 12), the feature of generating a recording position in the audio/video stream recorded on the recording medium, which recorded position corresponds to a point where an attribute of the video signal is changed and recording the attribute data and the attribute change information on the recording medium as specified in the present claim 1. (See Nagasawa's page 8, paragraphs [0158]-[0159]).

With regard to claims 2, and 6, the feature of detecting a video/audio attribute relating to the video/audio signal and outputs an attribute data and the recording in a predetermined recording area of the attribute data as specified thereof would be present in the cited reference of Nagasawa. (See Nagasawa's Figure 13B, components 132, 133, and page 8, paragraphs [0158]-[0159]).

With regard to claims 5, and 17, the feature of performing packing to divide the audio/video stream into plural streams corresponding to packs as data units each having a predetermined size and positioned the attribute changes at the head of the pack as specified thereof is present in Nagasawa. (See Nagasawa's Figures 31-33, where it is shown the stream is divided into packs such as the GOP shown thereof, and further, see Nagasawa's Figure 2a, component 52, and 50, where it is shown the attribute changes being positioned at the head of the pack).

With regard to claim 7, the feature of generating a recording position in the audio/video stream recorded on the recording medium, which recorded position corresponds to a point where an attribute of the video/audio signal is changed and recording the attribute data and the attribute change information on the recording medium as specified in the present claim 7, is present in Nagasawa. (See Nagasawa's page 8, paragraphs [0158]-[0159]).

With regard to claim 10, it is noted that all the features recited thereof are present in the cited reference of Nagasawa, including the feature of recording encoded audio/video signal on a recording medium (See Nagasawa's Figure 1, component 12), the feature of dividing the audio/video stream into plural streams corresponding to management units for managing the audio/video stream and output the stream corresponding to each management unit as video object and recording management information for managing the video object on the recording medium (See Nagasawa's Figures 31-33, where it is shown the stream is divided into packs such as the GOP shown thereof, and further, see Nagasawa's Figure 2a, component 52, where it is

shown management information being positioned at the head of the pack), the feature of detecting and outputting attribute data relating to at least one of the video and audio signal (See Nagasawa's column 8, paragraph [0158]), and the feature of the portion of the video/audio stream before the attribute change point and the portion of the video/audio stream after the attribute change point being outputted as different video object data as specified in the present claim 10 would be inherently present in the cited reference of Nagasawa. Because, Nagasawa already indicates that the attribute change point is based on scene changes. Therefore, the scene before and after the scene changes as disclosed in Nagasawa would be different scenes or different video object data. (See Nagasawa's page 8, paragraphs [0158]-[0159]).

With regard to claims 11-12, the feature of the management data including video/audio attribute, and information relating to the recording position of the each video object data on the recording medium, or the recording time of each video object data based on a reference time as specified thereof is present in Nagasawa. (See Nagasawa's Figure 2a-2b).

With regard to claims 15-16, and 18, it is noted that all the limitations recited thereof are present in the cited reference of Nagasawa, including the feature of the encoder for encoding the video signal to intraframe coding or interframe coding such that a group of frames including at least one frame subjected to the intra-frame coding is generated and the video signal corresponding to the frame group is output as a stream unit that can be access randomly (See Nagasawa's Figures 31-33, where it is shown the stream being divided into packs such as the GOP shown thereof, such GOP

includes intraframe or interframe), the feature of detecting and outputting the video/audio attribute (See Nagasawa page 8, paragraph [0158]), the feature of forming the frame group, such that a specific frame, whose video attribute is different from that of a frame positioned just before it, is stored as a head frame in the frame group as specified in the present claims 15-16, would be present in the cited reference of Nagasawa. (See the intraframe positioned in front of the frame group as shown in Nagasawa's Figures 31-33, and further, see Nagasawa's Figure 7a).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2615

5. Claims 3-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa in view of the admitted prior art, Figures 18-19, described at pages 8-11 of the present Application.

Nagasawa discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 3-4, including the feature of recording attribute data and the capability of detecting attribute change of the video signal and recording the position corresponding to a point where the attribute changes on the recording medium as specified in the present claims 3-4. (See Nagasawa's page 8, paragraphs [0158]-[0159]).

Although, the Nagasawa's reference discloses the capability of detecting attribute change of the video signal and recording the position corresponding to a point where the attribute changes on the recording medium, the reference fails to specifically disclose that the attribute data represent video resolution data or the aspect ratio of the video signal as specified in the present claims 3-4.

However, it is noted that the admitted prior art, Figures 18-19, described at pages 8-11 of the present Application does disclose the feature of recording attribute data of video/audio signal on a recording medium, wherein the attribute data would represent video resolution data or the aspect ratio of the video signal as specified in the present claims 3-4.

Therefore, it would have been obvious to one skill in the art to modify the Nagasawa's recording/reproducing apparatus wherein the recording means provided thereof would incorporate the feature of recording attribute data of video/audio signal on

Art Unit: 2615

a recording medium, wherein the attribute data would represent video resolution data or the aspect ratio of the video signal in the same conventional manner as is described in the admitted prior art, Figures 18-19, described at pages 8-11 of the present Application.

The motivation is to better manage the recorded signal, thereby making the picture smoother at reproduction operation as suggested in the prior art.

6. Claims 8-9, 13-14, and 19-22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilson et al discloses a video recording/reproducing apparatus includes video object block data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
April 15, 2004.

Robert Chevalier
ROBERT CHEVALIER
PRIMARY EXAMINER